

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh State Legal Services Authority - Authorization of framing Rules for the disposal of destruction of records and registers - Orders - Issued.

LAW (LA&J-HOME-COURTS-A1) DEPARTMENT

G.O.Ms.No. 60

Dated: 13-06-2013.

Read the following:-

1. G.O.Rt.No.1054, Law (LA&J-Home-Courts.A1) Department, dated:25-06-2010.
2. From the Member Secretary, Andhra Pradesh State Legal Services Authority, Roc.No.APSLSA/LSW/2010, dated:26-06-2010.

ORDER :

In the reference 1st read above, Government has issued notification authorizing Member Secretary, Andhra Pradesh State Legal Services Authority to make rules for the disposal by destruction of records and registers etc., in the Andhra Pradesh State Legal Services Authority, Hyderabad, under sub-clause (i) of Clause (c) of sub section (2) of Section 3 of the Destruction of Records Act, 1917 (Central Act 5/1917).

2. In the letter 2nd read above, the Member Secretary, Andhra Pradesh State Legal Services Authority, has stated that, pursuant to the Resolution of Andhra Pradesh State Legal Services Authority Meeting held on 24-04-2007, draft rules for preservation and destruction of records in Legal Services Authorities in the State of Andhra Pradesh constituted under the Legal Services Authorities Act, 1987 have been framed and were approved by the Hon'ble Chief Justice & Patron-in-Chief, Hon'ble Executive Chairperson, Andhra Pradesh State Legal Services Authority and the Hon'ble Chairman, Andhra Pradesh High Court Legal Services Committee. He has furnished the draft rules prepared by Andhra Pradesh State Legal Services Authority for disposal by destruction of records, registers and documents in the Legal Services Authorities / Committees for approval of the Government and to issue notification to enable them to take further action in the matter:

3. After careful examination, Government hereby issue the following notification for disposal by destruction of records, registers and documents in the Legal Services Authorities / Committees :

NOTIFICATION

In exercise of the powers conferred by sub-clause (i) of Clause (c) of sub section (2) of Section 3 of the Destruction of Records Act, 1917 (Central Act 5/1917), the Government of Andhra Pradesh is hereby authorize Member Secretary, Andhra Pradesh State Legal Services Authority, with the following rules for the disposal by destruction of records and registers etc., in the Andhra Pradesh State Legal Services Authority, Hyderabad.

1. Short title:

These rules may be called "**The Preservation and Destruction of Records in the Legal Services Authorities Constituted in the State of Andhra Pradesh Under the Legal Services Authorities Act 1987, Rules 2007**".

2. Definition:-

i) Legal Services Authorities :-

In these Rules "Legal Services Authorities" means :-

- a) A.P. State Legal Services Authority constituted under Section 6
- b) A.P. High Court Legal Services Committee constituted under Section 8 (A)
- c) District Legal Services Authority constituted under Section 9
- d) Mandal Legal Services Committee constituted under Section 11(A)
- e) Permanent Lok Adalat for Public Utility Services constituted under Section 22-B of the Legal Services Authorities Act, 1987.

ii) Representation :-

In theses Rules "Representation " means any petition/representation for redressal of grievance received by the Legal Services Authorities.

3. Opening of index sheet:

An index sheet in the form prescribed in Appendix A shall be prepared for every representation, or in pre litigation case, or case before Permanent Lok Adalat for Public Utility Services on its first institution in the Legal Services Authority and each paper, filed along with case record shall be entered in such index.

4. Division of record:

Every record shall after its disposal and immediately before it is deposited in the record section be divided into parts as shown in Appendix B and to facilitate this division, each paper shall, as soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

5. Unmarked documents to be kept apart for destruction:

(1) Documents which have been produced by parties but have either not been tendered in evidence, or having been tendered in evidence and have been rejected, shall be kept apart from the record of the case or other proceedings to which they belong and entered in the register of unmarked documents and shall, if not reclaimed by the party, who produced them, be retained in the respective Legal Services Authority (Committee) for a period of one year from the date of final order in the case or proceedings in which the documents were produced, and shall, at the expiration of that period, be destroyed in the manner prescribed under Rule 9 infra.

Provided that notice of destruction shall be given in the manner prescribed in Rule 10 infra in the month of January and July succeeding the date of expiry of the period of one year referred to in this Rule, and also by affixing a copy of notice on the notice board of the respective Legal Services Authority (Committee) at the time of publication in the Andhra Pradesh Sate Gazette or District Gazette as the case may be.

(2) No application is necessary for the return of the documents produced which have either not been tendered in evidence or if tendered have been rejected. It is sufficient, if an acknowledgment for their receipt is taken on the representation or the petition in the pre litigation case or Permanent Lok Adalat for Public Utility Services case.

6. Periods of retention of records:

The parts of records described in the table given in Appendix C shall be retained for the periods respectively shown against them from the date of closing of the representation and from the date of disposal of the pre litigation case or Permanent Lok Adalat for Public Utility Services case, pre-litigation, Mediation/Counseling Cases.

Provided that in any case the Member Secretary of the A.P. State Legal Services Authority or the Secretary, High Court Legal Services Committee, or the Chairman in case of the District Legal Services Authority or the Mandal Legal Services Committee or the Permanent Lok Adalat for Public Utility Services may, for the reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed in which case such fact shall be noted in the index and the papers are dealt with as they had belonged from the commencement to the part to which they were so transferred.

7. Period of retention of registers, etc.:

The registers, books and papers described in the table given in Appendix D shall be retained for the periods respectively specified against each of them reckoning from the end of the Calendar year for which they relate.

8. Records which are not to be destroyed:

The following shall on no account be destroyed:

- (i) Records connected with expenditure, which is within the statute of limitation.
- (ii) Records connected with claims to service and personal matters affecting persons in service.
- (iii) Orders and sanctions of permanent character until revised.

9. Districts and Andhra Pradesh Gazettes:

(1) With the exception of District Gazettes, Part I-A, I-B, II, III and IV of the Andhra Pradesh Gazette and Parts I, II and III and Supplements of the Government of India Gazette, which may be sold as waste paper, all other records, books and papers to be destroyed under Rule 7 supra, shall be burnt in the presence of the record clerk.

Provided that the Member Secretary of the A.P. State Legal Services Authority or the Secretary, High Court Legal Services Committee or the Chairman in case of the District Legal Services Authority or the Mandal Legal Services Committee or the Permanent Lok Adalat for Public Utility Services may sanction the disposal of such records, books and papers in any manner other than burning, torn in to pieces and sold as waste paper.

(2) Whenever records, books, diaries, Gazettes or papers are to be destroyed under Rule 7 supra, a complete list of the records, books or papers so destroyed shall be prepared and the date of destruction shall be entered at the top of the list. It shall be the duty of the Record Clerk to certify the correctness of these lists before obtaining the orders of the Member Secretary of the A.P. State Legal Services Authority or the Secretary, High Court Legal Services Committee or the Chairman in case of the District Legal Services Authority or the Mandal Legal Services Committee or the Permanent Lok Adalat for Public Utility Services for destruction thereof.

10. Publication of list of documents to be destroyed in the Andhra Pradesh Gazette:

(1) To enable the parties, who have filed documents in the permanent Lok Adalat case, to withdraw the same before the expiry of the period of their destruction, a notice shall be published on the Notice Board of the respective Legal Services Authority/ Committee/ Permanent Lok Adalat for Public Utility Services as the case may be and in the Andhra Pradesh Gazette in January or July of each year stating that all the documents filed in the Legal Services Authority/Committee/ Permanent Lok Adalat for Public Utility Services case will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice.

(2) All documents reclaimed by the parties entitled shall be returned to such parties under the orders of the Chairman of the Legal Services Authority/Committee.

11. Pending litigation cases settled through Lok Adalat:

- i) Original Award and terms of compromise shall be returned to the Court concerned along with case bundle duly following the regulations 35 and 38 of A.P. State Legal Services Authorities Regulations 1996. One Certified copy of Award and terms of compromise shall be kept as permanent record.
- ii) In cases of Awards not passed in pending litigation the case bundle shall be returned to the court concerned as per regulation 35.

12. Registers prescribed:

In order to facilitate the work of destruction of records every Legal Services Authority shall maintain four (4) Registers as shown in Appendix- E. Registers mentioned in S.Nos 1 to 3 in Appendix E Shall be maintained in the form prescribed in the Appendix F and the Register mentioned in S.No.4 shall be maintained in the form prescribed in the Appendix G.

13. Records or documents produced from Courts or other Departments:

Any record or document produced from any Court or other Department in any pre-litigation case or Permanent Lok Adalat for Public Utility Services case shall not be destroyed and shall invariably be returned to the respective Court or the Department, which caused production of such record or document.

14. Duties of Section Officer/Senior Assistant/Head Clerk and Record Clerk:

(1) At the closure of every calendar year, the Record Clerk who is entrusted the job of record keeping shall examine every item of record and examine whether it is ripe for destruction keeping in view the above Rules. All the documents, etc., ripe for destruction shall be noted in a register in the form prescribed in Appendix F and the destruction shall be ordered by the Administrative Officer of the Andhra Pradesh State Legal Services Authority or the Secretary of the High Court Legal Services Committee or the Chairman in the case of the District Legal Services Authority or the Mandal Legal Services Committee or the Permanent Lok Adalat for Public Utility Services.

(2) The Section Officer of A.P.State Legal Services Authority/Senior Assistant of District Legal Services Authority/Head Clerk of Permanent Lok Adalat for Public Utility Services/Typist-cum-Assistant of Mandal Legal Services Committee shall verify, before sending of the disposed records, to the record section, as to whether it is noted in the index sheet to which part the document relates and the same shall be checked by the Record Clerk. If necessary, get altered wherever necessary by the respective Section Officer/Senior Assistant/Head Clerk/Typist-cum-Assistant as the case may be.

APPENDIX A

Form of Index
(See Rule 2)

Sl. No.	Description of paper	Date of filing	Date of document	Part	Number of paper	Remarks
1	2	3	4	5	6	7

APPENDIX B
(See Rule 4)

Table showing divisions of record and description of paper falling under each division

	Part I	Part II
I. Pre Litigation case in which Award is passed	1. Index sheet 2. Proceeding sheet 3. Petition 4. Award 5. Terms of compromise	1.Counter/ Replies 2.Notices issued to the parties. 3.Other miscellaneous papers.
II. Pre-litigation case in which Award is not passed.	1. Index sheet 2. Proceeding sheet	1.Petition 2.Other miscellaneous papers
III. Pending litigation case in which Award passed	1. Award Copy	-----
IV Permanent Lok Adalat for Public Utility Services Case in which Award is passed	1.Index sheet 2.Proceedings sheet 3.Petition 4.Written Statement 5.Award	1.Documentary evidence 2.Oral evidence 3.Notices issued to the parties 4.Other miscellaneous Papers
V. Permanent Lok Adalat for Public Utility Services case in which Award is not passed.	1.Index sheet 2.Proceeding Sheet	1. Petition 2.Notices 3.Other miscellaneous papers
VI. Representations/ Taken up matter	1.Index sheet	1.Representation 2.All other papers
VII. Mediation/Counseling case in pre-litigation matters.	1. Index Sheet 2. Terms of Mediation	1. Representatio n 2. All other papers
IX. Mediation case in pending matters	1. Copy of terms of Mediation.	-----

APPENDIX C

Table showing the periods prescribed for retention of various parts of records in various classes of proceedings

Nature of proceedings	Number of years for which records are to be retained	
	Part I	Part II
1.Pre Litigation case in which Award is passed	Permanent	2 years
2.Pre-litigation case in which Award is not passed	Permanent	2 years
3. Pending Litigation Lok Adalat Case in which Award is passed	Permanent	----
4. Permanent Lok Adalat for Public Utility Services Case in which Award is passed	Permanent	2 years
5. Permanent Lok Adalat for Public Utility Services Case in which Award is not passed.	Permanent	2 years
6. Representations/Taken up file matter	Permanent	1 year
7. Mediation/counseling case in Pre-litigation matters	Permanent	1 year
8. Mediation case in Pending matters	Permanent	-----

APPENDIX D
(See Rule 7)

<i>Sl.No</i>	<i>Description of register, books and papers</i>	<i>Number of years for which the record is to be retained</i>
1	Lok Adalat case Register	Permanent
2	Pre-litigation Cases Register	Permanent
3	Permanent Lok Adalat for Public Utility Services cases Register	Permanent
4	Legal Aid Register	Permanent
5	Mediation Case Register for pending cases	Permanent
6	Mediation Case Register for Pre-litigation Cases	Permanent
7	Representation Register	Permanent
8	Duty Counsel Register	Permanent
9	Advocate Panel and Allotment Register	Permanent
10	Dairy	3 years
11	Hearing Book	3 years
12	Yearly statistical statements of the A.P.High Court Legal Services Committee, District Legal Services Authority, Mandal Legal Services Committee, Permanent Lok Adalat for Public Utility Services	5 years
13	Monthly Statements of statistics	3 years
14	Statistical Returns of A.P. State Legal Services Authority (After preserving in C.D)	5 years
15	Legal Aid Counsel appointment Correspondence	2 years
16	Legal Aid Counsel appointment Office note and proceedings	One year from the date of discontinuing the counsel
17	Register of Legal Aid Counsel	Permanent
18	Statutory meeting office note & Correspondence	2 years
19	Statutory meeting – Minutes	Permanent
20	Correspondence on follow up action on Minutes	1 year after compliance of Resolution
21	Para Legal Volunteers, Register	Permanent
22	Para Legal Volunteers Correspondence	2 years

23	Spl.programmes like Women's day, May day etc, Office note & correspondence	1 year
24	Reports received from MLSCs/DLSAs on theses programmes	1 year
25	Consolidated reports on programmes	2 years
26	Constitution of State Authority, High Court Legal Services Committee, DLSAs & MLSCs Notification	Permanent
27	Bio-data and correspondence and office note of Nominated members	One year from the date of expiry of the term of office of nominated member
28	Nomination of Hon'ble Executive Chairperson, State Authority & Hon'ble Chairman, High Court Committee Notification	Permanent
29	Correspondence on Nomination & Office Note	5 years
30	Counseling Register	Permanent
31	Register of cases entrusted to standing counsel	Permanent
32	Judgment copies in cases entrusted to Standing counsel	Permanent
33	Correspondence & other papers in cases entrusted to Standing counsel	14 years after disposal
34	Cash book and ledger	25 years
35	Account books other than cash book and ledger, Register of Stationary accounts, postage accounts, contingent bills and Registers. After Audit	2 years after AG Audit is completed and Audit report is finalized.
36	Challans and Cheques books	10 years
37	Costs/Donation receipts books	10 years
38	Pay bills including supplementary bill	6 years
39	Permanent Advance Register	3 years
40	Register of Undisbursed (UDP)	3 years
41	T.A. Bill Register	3 years
42	Register of acquittance	35 years
43	Acquittance Register for Advocate fee and expenses	10 years
44	Increment Register	3 years
45	Attendance Register	3 years
46	C.L Register	3 years
47	Office Order Register	5 years
48	Inward Register	5 years
49	Out ward Register/Local Delivery Book	5 years
50	Furniture Register	Permanent
51	Library Books Register	Permanent
52	Stationary Register	5 years
53	Register of valuables	Permanent
54	Register of Assets	Permanent
55	Register of Revenue	Permanent
56	Register of Deposits	10 years
57	Register of Purchases	3 years
58	Register of Buildings	Permanent
59	Register of reconciliation with PAO/ Treasury (After Audit)	3 years
60	Register of House Building Advance (HBA)	Permanent
61	Register of Tour Advance	3 years
62	Service Registers (After settlement of Pension)	5 years
63	Register of Remittances	6 years
64	Register of Audit notes (After compliance of Audit objections)	3 years
65	Register of Duplicate keys	Permanent
66	Register of miscellaneous items purchased	3 years
67	Register of un-serviceable articles	5 years

68	Increment watch Register	3 years
69	Register of periodical increment sanctioned	3 years

APPENDIX E

<i>S.NoName of Destruction Register</i>
1 Destruction Register of Pre-litigation Cases
2 Destruction Register of Permanent Lok Adalat for Public Utility Services Cases
3 Destruction Register of Registers
4 Destruction Register of Representations

APPENDIX F

Sl.No	Description of document/register/book, etc., with the year thus relate to	Period of life prescribed	Date on which the document is ripe for destruction	Remarks of the Record Clerk	Order of the officer ordering for destruction
1	2	3	4	5	6

APPENDIX G

Destruction Register of Representations.

S.No:

ROC.No:

Name(s) and Address(es) of the Representationist(s)

Grievance in brief:

Action taken:

Result:

Date of final intimation to the Representationist
And future course of action advised to the Representationist

Description of List of documents destroyed :

Date of destruction :

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.SANTHOSH REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Member Secretary, A.P. State Legal Services Authority, Hyderabad.
The Commissioner, Printing, Stationery & Stores Purchase (Ptg.Wing)
Department, Chanchalguda, Hyderabad - for publication of the
notification in the Andhra Pradesh Gazette).
Copy to: The Law (L) Department.
Copy to: SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.